III. AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 3 and Fig. 4. This sheet, which includes Figs. 3 – 4, replaces the original sheet including Figs. 3 – 4.

In Figs. 3 – 4, the curvature of the shank 25, as it would appear if it could be viewed through the weight 15, is illustrated by a broken line.

Attachment: Replacement Sheet

IV. REMARKS

A. Status of the Application

Claims 1-58 are pending. Claims 1, 19, 23, 27, 51 and 55 are amended. Claims 5, 8, 11, 14, 17, 30, 34, 37, 41, 44 and 49 stand withdrawn. Support for the amendments to claims 1, 19, 23, 27, 51, and 55 appears throughout the specification, for example, at Paragraph [00017] and Figs. 1-4. Reconsideration of this application in light of the above amendments and the following remarks is respectfully requested.

B. Confirmation of Election

Applicant hereby affirms the provisional election made June 4, 2004 of Species 2.

C. Objection to the Drawings and Claims 32, 35, 38, 42 and 46

The drawings are objected to under 37 CFR §1.83(a). Claims 32, 35, 38, 42 and 46 are objected to for recitation of the phrase "said hook shank is curved from said bend at least to said top weight taper".

These objections are respectfully traversed on the grounds that the original drawings submitted with the application show every feature of the invention described in claims 32, 35, 38, 42 and 46 in sufficient detail for proper understanding of the invention. However, Applicant has submitted replacement drawings herewith, which use a dashed line to illustrate the shank as it would appear if it could be viewed through the weight 15.

In view of the foregoing, Applicant requests that the objection to the drawings and to claims 32, 35, 38, 42 and 46 be withdrawn.

D. Rejection under 35 U.S.C. § 102(b) over Reed

Claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31, 33, 36, 39-40, 43, 45, 47-48, and 50-58 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,901,494 to Reed ("Reed"). Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As provided in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." However, Reed does not meet the standard required by MPEP § 2131 because Reed does not disclose or suggest each and every element of independent claims 1, 19, 23, 27, 51 and 55, nor the claims dependent thereon.

Claim 1 is drawn to an upper center-weighted hook for partial embedment in a plastic fishing lure and retrieval through a waterbody. The hook comprises a hook shank, a bend in one end of the hook shank, a hook tip terminating the bend, a hook eye provided on an opposite end of the hook shank from the bend, and a double-tapered weight. The double-tapered weight has a lower weight taper and a top weight taper, each of which is tapered to the hook shank. Further, the top weight taper is closer to the hook eye than to the hook tip. Claims 2-4, 6-7, 9-10, 12-13, 15-16 and 18 each depend directly or indirectly from claim 1, and therefore include each of the foregoing elements.

Claim 19 is drawn to an upper center-weighted hook for partial embedment in a plastic fishing lure. The hook comprises a straight hook shank segment having a bend in one end, a hook eye on the opposite end and a double-tapered weight there between. The bend terminates in a reverse bend, and the reverse bend terminates in a hook tip. The double-tapered weight has a lower weight taper tapered to the straight hook shank segment and a top weight taper tapered to the straight hook shank segment, which is closer to the hook eye than to the hook tip. Claims 20-22 each depend directly from claim 19, and therefore include each of the foregoing elements.

Claim 23 is drawn an upper center-weighted hook for partial embedment in a plastic fishing lure. The hook comprises a curved hook shank segment, a bend in one end of the curved hook shank segment, a reverse bend terminating the bend, a hook tip terminating the reverse bend, a hook eye on an opposite end of the curved hook shank segment from the bend; and a double-tapered weight. The double-tapered weight comprises a lower weight taper tapered to the curved hook shank segment and a top weight taper tapered to the curved hook shank segment, which top weight taper is closer to the hook eye than to the hook tip. Claims 24-26 each depend directly from claim 23, and therefore include each of the foregoing elements.

Claim 27 is drawn to a fish hook comprising a hook shank having a bend in one end and a hook eye on an opposite end. The bend terminates in a hook tip, and a weight is provided on the hook shank between the bend and the hook eye. The weight has a top weight taper tapered to the shank and a lower weight taper tapered to the shank. The top weight taper is closer to the hook eye than to the hook tip. Claims 28-29, 31, 33, 36, 39-40, 43, 45, 47-48, and 50 each depend directly or indirectly from claim 27, and therefore include each of the foregoing elements.

Claim 51 is drawn to a fish hook comprising a straight hook shank segment having a bend in one end, a hook eye on an opposite end, and a weight there between. The bend terminates in a reverse bend, and the reverse bend terminates in a hook tip. The weight has a top weight taper tapered to the straight hook shank segment and a lower weight taper tapered to the straight hook shank segment. The top weight taper is closer to the hook eye than to the hook tip. Claims 52-54 each depend directly from claim 51, and therefore include each of the foregoing elements.

Claim 55 is drawn to a fish hook comprising a curved hook shank segment having a bend in one end, a hook eye on an opposite end and a weight there between. The bend terminates in a reverse bend, and the reverse bend terminates in a hook tip. The weight has a top weight taper tapered to the curved hook shank segment and a lower weight taper tapered to the curved hook shank segment. The top weight taper is closer to the hook eye than to the hook tip. Claims 56-58 each depend directly from claim 55, and therefore include each of the foregoing elements.

Among other advantages, the fishhook of claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31, 33, 36, 39-40, 43, 45, 47-48, and 50-58 can be threaded through a plastic lure with minimum damage to the lure because of the double-tapered weight. (See Paragraph [00015]). Elements of each of the claims presently rejected under 35 U.S.C. § 102(b) over Reed include a double-tapered weight having a lower weight taper and a top weight taper, each of which is tapered to the hook shank, and a top weight taper that is closer to a hook eye than to a hook tip.

In contrast to claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31, 33, 36, 39-40, 43, 45, 47-48, and 50-58, Reed discloses a fishhook F having a sausage-shaped hanger weight 12 depending therefrom. (Fig. 1 and Col. 2, lines 13-15). The rear portion of the hanger weight has a reduced neck portion 15 connected to it. (Col. 2, lines 32-33). The reduced neck portion is secured to the fishhook by an O-ring 24. (Fig. 1 and Col. 3, lines 25-29). The forward portion of the hanger weight is secured to the fishhook by a strap 18. (Figs. 1 and 7-9). Reed also discloses a method for securing the hanger weight to the fishhook by sliding the hanger weight over the fishhook via the strap, and securing the O-ring over the reduced neck portion. (Figs. 6-9 and Col. 2, line 60 – Col. 3, line 30).

Reed does not disclose, suggest or motivate a double-tapered weight having a lower weight taper and a top weight taper, each of which is tapered to the hook shank. The hanger weight described by Reed has a sausage-shape. Although the rear end of the hanger weight

described by Reed has a reduced neck portion attached to it, the reduced neck portion is not the same as either a top weight taper or a lower weight taper as claimed herein. Moreover, the forward end of the hanger weight described by Reed does not taper to the hook shank. As is clearly illustrated in Figs. 1 and 9 of Reed, there is space between the forward end of the hanger weight and the hook shank, and thus clearly no tapering of the forward end of the hanger weight to the hook shank. Thus, Reed does not disclose or suggest a double-tapered weight having a lower weight taper and a top weight taper, each of which is tapered to the hook shank. Further still, as Reed does not disclose or suggest a top weight taper, Reed cannot disclose, suggest or motivate a top weight taper that is closer to a hook eye than to a hook tip. Applicant further notes that the hook described by Reed could not be threaded through a plastic lure without significant damage to the lure head, which would be caused by the hanger weight and its method of attachment to the hook.

Reed fails to meet the standard required by MPEP § 2131 to sustain the present rejection of the independent claims, namely, claims 1, 19, 23, 27, 51 and 55, because Reed does not disclose or suggest each and every element of these claims. Moreover, the rejection over Reed of the dependent claims, namely, claims 2-4, 6-7, 9-10, 12-13, 15-16, 18, 20-22, 24-26, 28-29, 31, 33, 36, 39-40, 43, 45, 47-48, 50, 52-54 and 56-58 also fails to meet the standard required by MPEP § 2131 for at least the same reasons as apply to claims 1, 19, 23, 27, 51 and 55.

In addition, Applicant notes that Reed fails to meet the standard required by MPEP § 2142 for establishing a prima facie case of obviousness against claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31, 33, 36, 39-40, 43, 45, 47-48 and 50-58 because at least one of the three basic criteria of the prima facie case – that the prior art references teach or suggest all the claim limitations – has not been met.

Accordingly, Applicant respectfully submits that the present rejection of claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31, 33, 36, 39-40, 43, 45, 47-48 and 50-58 over Reed under 35 U.S.C. § 102(b) is improper, and requests that it be withdrawn. Further, Applicant respectfully requests allowance of claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31, 33, 36, 39-40, 43, 45, 47-48 and 50-58 because no other rejection under 35 U.S.C. § 102 or 35 U.S.C. § 103 over Reed would be proper.

E. Rejection under 35 U.S.C. § 102(b) over McClellan

Claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31-33, 35-36, 38-40, 42-43, 45-48, and 50-58 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,220,743 to McClellan. ("McClellan"). Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As provided in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." However, McClellan does not meet the standard required by MPEP § 2131 because McClellan does not disclose or suggest each and every element of independent claims 1, 19, 23, 27, 51 and 55, nor the claims dependent thereon.

Claim 1 is drawn to an upper center-weighted hook for partial embedment in a plastic fishing lure and retrieval through a waterbody. The hook comprises a hook shank, a bend in one end of the hook shank, a hook tip terminating the bend, a hook eye provided on an opposite end of the hook shank from the bend, and a double-tapered weight. The double-tapered weight has a lower weight taper and a top weight taper, each of which is tapered to the hook shank. Further, the top weight taper is closer to the hook eye than to the hook tip. Claims 2-4, 6-7, 9-10, 12-13, 15-16 and 18 each depend directly or indirectly from claim 1, and therefore include each of the foregoing elements.

Claim 19 is drawn to an upper center-weighted hook for partial embedment in a plastic fishing lure. The hook comprises a straight hook shank segment having a bend in one end, a hook eye on the opposite end and a double-tapered weight there between. The bend terminates in a reverse bend, and the reverse bend terminates in a hook tip. The double-tapered weight has a lower weight taper tapered to the straight hook shank segment and a top weight taper tapered to the straight hook shank segment, which is closer to the hook eye than to the hook tip. Claims 20-22 each depend directly from claim 19, and therefore include each of the foregoing elements.

Claim 23 is drawn an upper center-weighted hook for partial embedment in a plastic fishing lure. The hook comprises a curved hook shank segment, a bend in one end of the curved hook shank segment, a reverse bend terminating the bend, a hook tip terminating the reverse bend, a hook eye on an opposite end of the curved hook shank segment from the bend; and a double-tapered weight. The double-tapered weight comprises a lower weight taper tapered to the curved hook shank segment and a top weight taper tapered to the curved hook shank segment,

which top weight taper is closer to the hook eye than to the hook tip. Claims 24-26 each depend directly from claim 23, and therefore include each of the foregoing elements.

Claim 27 is drawn to a fish hook comprising a hook shank having a bend in one end and a hook eye on an opposite end. The bend terminates in a hook tip, and a weight is provided on the hook shank between the bend and the hook eye. The weight has a top weight taper tapered to the shank and a lower weight taper tapered to the shank. The top weight taper is closer to the hook eye than to the hook tip. Claims 28-29, 31-33, 35-36, 38-40, 42-43, 45-48 and 50 each depend directly or indirectly from claim 27, and therefore include each of the foregoing elements.

Claim 51 is drawn to a fish hook comprising a straight hook shank segment having a bend in one end, a hook eye on an opposite end, and a weight there between. The bend terminates in a reverse bend, and the reverse bend terminates in a hook tip. The weight has a top weight taper tapered to the straight hook shank segment and a lower weight taper tapered to the straight hook shank segment. The top weight taper is closer to the hook eye than to the hook tip. Claims 52-54 each depend directly from claim 51, and therefore include each of the foregoing elements.

Claim 55 is drawn to a fish hook comprising a curved hook shank segment having a bend in one end, a hook eye on an opposite end and a weight there between. The bend terminates in a reverse bend, and the reverse bend terminates in a hook tip. The weight has a top weight taper tapered to the curved hook shank segment and a lower weight taper tapered to the curved hook shank segment. The top weight taper is closer to the hook eye than to the hook tip. Claims 56-58 each depend directly from claim 55, and therefore include each of the foregoing elements.

Elements of each of the claims presently rejected under 35 U.S.C. § 102(b) over McClellan include a double-tapered weight having a lower weight taper and a top weight taper, each of which is tapered to the hook shank, and a top weight taper that is closer to a hook eye than to a hook tip.

In contrast to claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31-33, 35-36, 38-40, 42-43, 45-48, and 50-58, McClellan discloses a back weighted fishhook 1 having a shank 2 with an eye 3 at its first end, a reverse bend 5 at its second end 6, and a sinker means 10 secured to the shank. (Col. 2, lines 47-61). The reverse bend terminates in a hook point 7. The shank 2 has center of balance 9, which is defined as "the location or point on the shank of the hook upon which the bare hook can be balanced", such as on a knife edge. (Col. 2, lines 51-55). The sinker means 10

has a first terminal end 13, which is distal to the second end 6 of the fishhook, and a second terminal end 14, which is proximal to the second end 6 of the fish hook.

It is a critical feature of the fishhook that the entirety of the sinker means be located between the center of balance 9 and the second end 6 of the fishhook. In particular, McClellan states that "[f]or this invention to achieve its objectives, [terminal] end 13 [of the sinker means] must be located between the center of balance 9 and the end 6 of the hook." (Col. 2, line 67 – Col. 3, line 2). As between the terminal ends 13 and 14, terminal end 13 is the closer to the eye 3 of the fishhook. However, McClellan clearly states that the terminal end 13 of the sinker means 10 must be located behind the center of balance 9. Thus, both the terminal ends 13 and 14 of the fishhook described by McClellan are closer to the hook point 7 than they are to the eye 3. Accordingly, McClellan cannot disclose, suggest or motivate a fishhook comprising a double-tapered weight having a top taper tapered to a hook shank segment and located closer to the hook eye than to the hook tip.

Additional disclosure by McClellan that requires the entirety of the sinker means to be located behind the center of balance 9, and therefore have both terminal ends 13 and 14 located closer to the hook point 7 than to the eye 3, include the following:

"point 7 of hook 1 must overlap sinker means 10" (Col. 3, lines 8-9);

"sinker means 10 properly located behind center of balance 9" (Col. 3, lines 52-53); and

"Sinker means 35 is located entirely on the rear portion 34 behind center of balance 9 with its end 36 being adjacent the center of balance, and no part of the sinker means extends past the center of balance toward front end 28" (Col. 4, lines15-18).

Thus, McClellan clearly does not disclose, suggest or motivate a fishhook comprising a double-tapered weight having a top taper tapered to a hook shank segment and located closer to the hook eye than to the hook tip.

McClellan fails to meet the standard required by MPEP § 2131 to sustain the present rejection of the independent claims, namely, claims 1, 19, 23, 27, 51 and 55, because McClellan does not disclose or suggest each and every element of these claims. Moreover, the rejection over McClellan of the dependent claims, namely, claims 2-4, 6-7, 9-10, 12-13, 15-16, 18, 20-28, 29, 31-33, 35-36, 38-40, 42-43, 45-48, 50 and 52-58, also fails to meet the standard required by MPEP § 2131 for at least the same reasons as apply to claims 1, 19, 23, 27, 51 and 55.

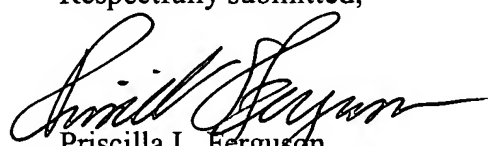
In addition, Applicant notes that McClellan fails to meet the standard required by MPEP § 2142 for establishing a prima facie case of obviousness against claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31-33, 35-36, 38-40, 42-43, 45-48, and 50-58 because at least one of the three basic criteria of the prima facie case – that the prior art references teach or suggest all the claim limitations – has not been met.

Accordingly, Applicant respectfully submits that the rejection of claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31-33, 35-36, 38-40, 42-43, 45-48, and 50-58 over McClellan under 35 U.S.C. § 102(b) is improper, and requests that it be withdrawn. Further, Applicant respectfully requests allowance of claims 1, 2-4, 6-7, 9-10, 12-13, 15-16, 18-29, 31-33, 35-36, 38-40, 42-43, 45-48, and 50-58 because no other rejection under 35 U.S.C. § 102 or 35 U.S.C. § 103 over McClellan would be proper.

I. Conclusion

Claims 1-58 are now pending in the present application. In view of the foregoing amendments and remarks, allowance of all pending claims is respectfully requested. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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